

REMARKS

By this Amendment, a new Abstract of the Disclosure is provided on a separate sheet of paper as required by the Office Action. No claims are amended, canceled or added. Accordingly, after entry of this Amendment, claims 1-5 will remain pending in the patent application. Reconsideration and allowance of the present patent application based on the foregoing amendment and following remarks are respectfully requested.

Claims 1 and 3-5 were rejected under 35 U.S.C. §102(e) based on Koivu (U.S. Pat. No. 6,266,332 B1). Applicant respectfully traverses the rejection because Koivu fails to disclose, teach or suggest all the features recited in the rejected claims. For example, Koivu fails to disclose, teach or suggest a method of assigning radio channels to a set of base stations in a wireless network, comprising assigning one radio channel out of a determined set of radio channels to each base station during manufacture of the base stations in such a way that each radio channel is assigned substantially an equal number of times, as recited in claim 1 and its dependent claims.

Koivu merely discloses a cellular radio system that includes two base stations which are arranged to transmit a base station specific identification message to the base station controller. (*See col. 2, lines 5-9*). In Koivu, during the assembly of the base station or, alternatively, during its installation, the installer determines an identifier for the base station using a DIP switch 5. (*See col. 3, lines 65-67*). However, Koivu fails to teach assigning one radio channel out of a determined set of radio channels to each base station during manufacture of the base stations in such a way that each radio channel is assigned substantially an equal number of times. In fact, Koivu teaches away from such an implementation since Koivu discloses that the base stations should be manufactured to utilize a common channel when they contact a base station controller for the first time (*see col. 2 lines 24-26 and col. 3 lines 23-27*).

The subject matter of claims 3 and 5 is patentable over Koivu for the additional reason that Koivu fails to disclose, teach or suggest that radio channels should be randomly assigned to base stations. In fact, Koivu teaches away from such an implementation by suggesting that the channels are assigned according to a transmission branching table, which is transmitted from the base station controller to the base station (*see col. 4 lines 10 - 22*). Koivu fails to teach or suggest that this transmission branching table is created at random. Rather, Koivu teaches that the operator should be able to edit the tables (*see col. 3 lines 7 - 12*).

The subject matter of claim 4 is patentable over Koivu for the additional reason that Koivu fails to teach or suggest that the radio channels should be derived on the basis of an individual serial number. Instead, Koivu merely teaches that the identifier of the base station is sent to the base station controller, which upon receiving it retrieves and sends back to the base station a transmission table stored in the memory 2. (*See* col. 4, lines 4 - 6 and col. 3, lines 43 - 48). The identifier is thus used for selecting a predetermined table of channels and not for deriving a radio channel.

Accordingly, reconsideration and withdrawal of the rejection of claims 1 and 3-5 under 35 U.S.C. §102(e) based on Koivu are respectfully requested.

Claim 2 was rejected under 35 U.S.C. §103(a) based on Koivu in view of Verrier *et al.* (U.S. Pat. No. 6,606,499) (hereinafter “Verrier”). The rejection is respectfully traversed.

Claim 2 depends from claim 1 and is therefore patentable over Koivu for at least the same reasons provided above in connection with claim 1.

Verrier does not disclose the features of claim 2. In particular, Verrier fails to disclose, teach or suggest assigning one radio channel out of a determined set of radio channels to each base station during manufacture of the base stations in such a way that each radio channel is assigned substantially an equal number of times. Therefore, any reasonable combination of Koivu and Verrier cannot result, in any way, in the invention of claim 2.

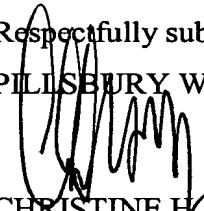
Furthermore, Applicant respectfully submits that the subject matter of claim 2 is patentable over Koivu, Verrier or a combination thereof for the additional reasons that Koivu and Verrier fail to teach or suggest determining a given order for the radio channels, selecting a first base station and assigning one available radio channel thereto, selecting a second base station and assigning a radio channel having the next order number thereto or, if the radio channel assigned to the first base station has the largest number out of the determined set of radio channels, assigning a radio channel having the smallest order number thereto, and continuing assigning radio channels according to order numbers in an ascending or descending order until radio channels are assigned to the entire set of base stations. Applicant respectfully submits that the excerpt in Verrier cited by the Office Action (*i.e.*, col. 5, line 48 - col. 6, line 42) does not relate to channel allocation at all. Instead, this excerpt discloses how different lists of channels previously allocated for a base station should be maintained while the status of the channel changes (free, occupied by traffic, occupied for signaling). For at least this reason, claim 2 is patentable over Koivu, Verrier or a combination thereof.

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Accordingly, reconsideration and withdrawal of the rejection of claim 2 under 35 U.S.C. §103(a) based on Koivu (U.S. Pat. No. 6,266,332) in view of Verrier are respectfully requested.

The rejections having been addressed, Applicant requests issuance of a notice of allowance indicating the allowability of all pending claims. If anything further is necessary to place the application in condition for allowance, Applicant requests that the Examiner contact Applicant's undersigned representative at the telephone number listed below.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

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